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9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, ) CASE NO. CR 15-00106 EJD  
14 Plaintiff, )  
15 v. ) DECLARATION OF MATTHEW A. PARRELLA  
16 HAO ZHANG, ) IN SUPPORT OF UNITED STATES' OPPOSITION  
Defendant. ) TO DEFENDANT'S MOTION FOR BILL OF  
 ) PARTICULARS.  
 )  
 ) Hearing Date: September 26, 2016  
 ) Time: 1:30 p.m.  
 ) Court: Courtroom No. 4  
 ) Hon. Edward J. Davila  
 )  
 )

21 I, Matthew A. Parrella, hereby declare:

- 22 1. I am an Assistant United States Attorney for the Northern District of California.
- 23 2. I make this supplemental declaration in connection with the United States' Opposition to  
24 Defendant's Motion for Bill of Particulars. Accordingly, this declaration is limited to certain  
25 facts concerning that motion, and does not include all the information I know about this case.
- 26 3. I have reviewed defendant's Motion and the documents filed in support thereof.
- 27 4. The government has provided discovery to defendant. Attached at Exhibit 1 is a true and  
28 correct copy of a summary of the discovery described above, with the dates of production

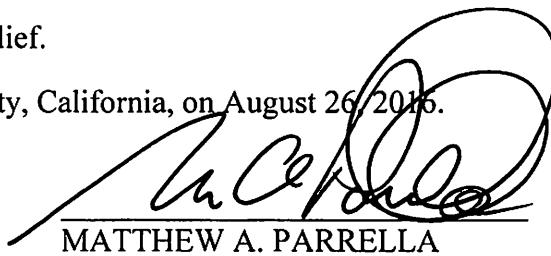
1 and descriptions. Most of these descriptions were previously furnished to defendant in letters  
2 accompanying the productions.

- 3 5. On August 19, 2015, United States Magistrate Judge Howard R. Lloyd signed a Stipulated  
4 Interim Protective Order ("SIPo") (ECF No. 46), enabling the government to disclose  
5 confidential and trade secrets information to defendant as part of discovery.  
6 6. The government produced technical documents from Avago Technologies and Skyworks  
7 Solutions that contain confidential and trade secret information. These items were produced  
8 subject to the SIPo.  
9 7. Although discovery in a criminal case is always ongoing, the government at this point has  
10 produced all of the documentary evidence in its possession that it intends to use in its case-in-  
11 chief at trial.  
12 8. On April 20, 2012, Avago provided the FBI with a hard drive that contained what Avago  
13 represented was a copy of the server that held the entire email accounts of Wei Pang and  
14 other Avago employees ("the Avago email server"). This hard drive contained a vast amount  
15 of material that was beyond the scope of discovery under Rule 16, but the government made  
16 the entire hard drive available for review by the defense beginning on October 8, 2015. In  
17 response to defense counsel complaints about the speed of the FBI computers, the Silicon  
18 Valley Regional Computer Forensics Lab built a new computer housing the Avago email  
19 server, which was made available to defense counsel beginning on December 8, 2015. Since  
20 that time, defense counsel has had unlimited access to that computer and reviewed it  
21 numerous times.  
22 9. Counsel for defendant Zhang contacted me in July 2016 to discuss a briefing schedule for the  
23 instant motion. We also discussed defense counsel's difficulties accessing the image of  
24 defendant's cell phone. On August 19, 2016, in the most recent production, the government  
25 provided a new copy of the cell phone image, this time copied to a hard drive. It should be  
26 noted that the contents of the defendant's cell phone form no part of the defendant's motion  
27 for a bill of particulars, and the government has not alleged that any Avago or Skyworks  
28 trade secrets were contained on that cell phone.

- 1       10. As of the filing of this declaration, defense counsel has not asked to confer regarding the  
2       particulars of the Superseding Indictment or asked the government any questions regarding  
3       the identification of particular information as trade secrets or the contents of the discovery.  
4       11. As of the filing of this declaration, the government has not received a supplemental discovery  
5       request from defendant Zhang.

6           I declare under penalty of perjury under the laws of the United States that the foregoing is true  
7       and correct to the best of my knowledge and belief.

8           Executed at San Jose, Santa Clara County, California, on August 26, 2016.



9  
10       MATTHEW A. PARRELLA  
11       Assistant United States Attorney

# Exhibit 1

DECL. OF MATTHEW A. PARRELLA  
EXHIBIT 1  
CR 15-00106 EJD

**United States v. Zhang et al.**  
**CR-15-00106 EJD**

**DISCOVERY PRODUCTION INDEX**

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
0000001	0001022	Various FBI Reports with Attachments	8/24/15
0001023	0001024	Hard Drive from Avago	8/24/15
0001025	0001637	Various FBI Reports with Attachments	8/24/15
0001638	0001638	CD of Exhibits shown to Andy Weilert (12-6-12)	8/24/15
0001638-000001	0001638-004299	Contents individually bate stamped from CD bated 0001638	8/24/15
0001639	0001759	Various FBI Reports with Attachments	8/24/15
0001760	0001760	CD of Exhibits shown to Andy Weilert (8-7-13)	8/24/15
0001760-000001	0001760-030890	Contents individually bate stamped from CD bated 0001760	8/24/15
0001761	0001796	Various FBI Reports with Attachments	8/24/15
0001797	0001797	Copy of CD provided to Avago (11-25-13)	8/24/15
0001797-000001	0001797-000380	Contents individually bate stamped from CD	8/24/15
0001798	0002087	Various FBI Reports with Attachments	8/24/15
0002088	0002088	Copy of CD provided to Avago (2-5-14)	8/24/15
0002089	0002230	Various FBI Reports with Attachments	8/24/15
0002231	0002231	Exhibits shown to Andy Weilert prior to Grand Jury Testimony	8/24/15
0002232	0002232	Exhibits shown to Andy Weilert prior to Grand Jury Testimony	8/24/15
0002233	0003001	Various FBI Reports with Attachments	8/24/15
0003002	0003002	CD- Email attachment from Floyd Anderson (5-8-12)	8/24/15
0003003	0003003	CD- Email attachment from Floyd Anderson (3-19-12)	8/24/15
0003004	0003004	CD- Email attachment from Floyd Anderson (1-23-12)	8/24/15
0003005	0003023	Various FBI Reports with Attachments	8/24/15
0003024	0003024	Video Interview of Hao Zhang	8/24/15
0003025	0003025	Audio Interview of Hao Zhang	8/24/15

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CR 15-00106 EJD

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
0003026	0003700	Various FBI Reports with Attachments	8/24/15
0002088-000001	0002088-006743	Copy of CD provided to Avago (2-5-14)	9/21/15
0003002-000001	0003002-000041	CD- Email attachment from Floyd Anderson (5-8-12)	9/21/15
0003003-000001	0003003-003268	CD- Email attachment from Floyd Anderson (3-19-12)	9/21/15
0003004-000001	0003004-000061	CD- Email attachment from Floyd Anderson (1-23-12)	9/21/15
0003701	0003749	Google- Search Warrant Application and Affidavit re: sky.hao.zhang@gmail.com and winteryan@gmail.com; Search Warrant Return	9/21/15
0003750	0003750	FBI Report re: Thumb Drive from Google	9/21/15
0003751	0003752	Letter from Google re: Search Warrant	9/21/15
0003753	0003753	Google- Search Warrant Results re: sky.hao.zhang@gmail.com and winteryan@gmail.com	9/21/15
0003754	0003807	Google- Search Warrant Application and Affidavit re: mail.zhouchong@gmail.com, nianchu.hu@gmail.com, weipang@novantech.com and Cloud Account: <a href="https://google.com/novanteach.com">https://google.com/novanteach.com</a> ; Search Warrant Return	9/21/15
0003808	0003808	FBI Report re: Google Response to Search Warrant	9/21/15
0003809	0003812	Google Search Warrant Results re: mail.zhouchong@gmail.com, nianchu.hu@gmail.com, weipang@novantech.com and Cloud Account: <a href="https://google.com/novanteach.com">https://google.com/novanteach.com</a>	9/21/15
0003813	0003813	Google Search Warrant Results	9/21/15
0003814	0003886	Search Warrant Application and Affidavit re: E-mail accounts Controlled by Yahoo!, Inc., Google, Inc., MSN Hotmail, The University of Southern California, and The Massachusetts Institute of Technology	9/21/15

DECL. OF MATTHEW A. PARRELLA

EXHIBIT 1

CR 15-00106 EJD

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
		Re: Alleged Theft of Trade Secrets from Avago Technologies; Search Warrant Return	
0003887	0003887	FBI Report re: Search Warrant response from Google	9/21/15
0003888	0003890	Letter from Google re: Search Warrant	9/21/15
0003891	0003891	Google Search Warrant Results re: Sky.Hao.Zhang Account	9/21/15
0003892	0003965	Search Warrant Application and Affidavit for Search Warrant re: E-mail accounts Controlled by Yahoo!, Inc., Google, Inc., MSN Hotmail, The University of Southern California, and The Massachusetts Institute of Technology Re: Alleged Theft of Trade Secrets from Avago Technologies; Search Warrant Return	9/21/15
0003966	0003966	FBI Report re: Massachusetts Institute of Technology (MIT) response to Search Warrant; Provided DVD	9/21/15
0003967	0003968	Ex Parte Application for Sealing Order and Order	9/21/15
0003969	0003974	MIT Search Warrant Email exchange between David A. Suski and S/A Heather Young	9/21/15
0003975	0003975	MIT Search Warrant Response results	9/21/15
0003976	0003982	Search Warrant Return re: pangwei_2001@hotmail.com	9/21/15
0003983	0003983	FBI Report re: Search Warrant review records and content pertaining warrant email address: pangwei_2001.com	9/21/15
0003984	0004019	Search Warrant Application and Affidavit for Search Warrant re: Email account- pangwei_2001@hotmail.com stored on the servers of Microsoft, at 1065 La Avendia, Building 4, Mountain View, CA; Sealing Order	9/21/15
0004020	0004020	Email Correspondence between Evelyn Blackwell and S/A Richard Smith re: Microsoft Response to Search Warrant	9/21/15
0004021	0004021	MSN/ Hotmail Search Warrant Results re:Dangwei2001@hotmail.com	9/21/15
0004022	0004086	Search Warrant Application and	9/21/15

DECL. OF MATTHEW A. PARRELLA

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CR 15-00106 EJD

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
		Affidavit for Search Warrant re: E-mail accounts Controlled by Yahoo, Google, MSN Hotmail, The University of Southern California and The Massachusetts Institute of Technology re: Alleged Theft of Trade Secrets from Avago Technologies; Search Warrant Return	
0004087	0004088	Ex Parte Application for Sealing Order and Order	9/21/15
0004089	0004095	Search Warrant re: E-mail accounts Pangwei_2001@hotmail.com and L_zhang@hotmail.com, controlled by Microsoft Corporation, 1 Microsoft Way, Redmond, WA 98052	9/21/15
0004096	0004096	FBI Report re: Search Warrant issued-Microsoft Corporation's MSN Hotmail for email accounts: pangwei_2001@hotmail.com and L_zhang@hotmail.com	9/21/15
0004097	0004101	Email Correspondence between Microsoft and S/A Heather Young re: Search Warrant Results	9/21/15
0004102	0004102	Hotmail Search Warrant Response	9/21/15
0004103	0004103	Hotmail Search Warrant Response	9/21/15
0004104	0004176	Search Warrant Application and Affidavit re: E-mail accounts Controlled by Yahoo!, Inc., Google, Inc., MSN Hotmail, The University of Southern California, and The Massachusetts Institute of Technology Re: Alleged Theft of Trade Secrets from Avago Technologies; Search Warrant Return	9/21/15
0004177	0004178	Ex Parte Application for Sealing Order and Order	9/21/15
0004179	0004179	FBI Report re: USC provided one CD containing information response to the search warranted for e-mail account linzhang@usc.edu	9/21/15
0004180	0004232	Application and Affidavit for Search Warrant re: fbar_china@yahoo.com; huisuijh@yahoo.com,	9/21/15

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EXHIBIT 1  
CR 15-00106 EJD

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
		hiuip@sbcglobal.net; ellick_ma@yahoo.com; steelzhaw@yahoo.com; and fgeefay@yahoo.com stored on servers of Yahoo, Inc., at 701 First Ave, Sunnyvale, CA 94089; Sealing Order and Search Warrant Return	
0004233	0004233	FBI Report re: Yahoo, provided a thumb drive, a signed statement, and account records in response to the search warrant	9/21/15
0004234	0004262	Yahoo Correspondence re: Search Warrant request for subscriber information fbar_china@yahoo.com, et al.	9/21/15
0004263	0004263	Yahoo Search Warrant Results	9/21/15
0004264	0004314	Application and Affidavit for Search Warrant re: pangwei20000@yahoo.com and tongzhao_2001.com; Order of the Court Sealing Search Warrant, Affidavit, and Application in Support thereof (Underseal); Search Warrant Return	9/21/15
0004315	0004315	FBI Report re: Yahoo Search warrant response and return	9/21/15
0004316	0004319	Yahoo Correspondence re: Search Warrant request for subscriber information pangwei20000@yahoo.com, et al.	9/21/15
0004320	0004320	Yahoo Search Warrant Response	9/21/15
0004321	0004394	Search Warrant Application and Affidavit for Search Warrant re: E-mail accounts Controlled by Yahoo!, Inc., Google, Inc., MSN Hotmail, The University of Southern California, and The Massachusetts Institute of Technology Re: Alleged Theft of Trade Secrets from Avago Technologies; Search Warrant Return	9/21/15
0004395	0004395	FBI Report re: Search warrant response DVD Provided by Yahoo!	9/21/15
0004396	0004398	Yahoo Correspondence re: Search Warrant Request for pangwei2000@yahoo.com, et al.	9/21/15

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EXHIBIT 1  
CR 15-00106 EJD

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
0004399	0004399	Yahoo Search Warrant Response for jqyao1939129@yahoo.com.cn and chenjinping73@yahoo.com.cn	9/21/15
00004400	0014446	Various Subpoenaed Documents	11/5/15
Confidential-Email-0000001	Confidential-Email-0004925	Confidential Emails (3 GB)	11/5/15
00007516	00007516	Confidential .pst Files from Avago (Hard Drive) (718 MB)	11/5/15
00014447	00015930	Additional Discovery	2/5/16
00002182	00002182	Confidential Emails (3 CDs)	2/5/16
00002183	00002183	(5 MB)	
00002194	00002194		
00003024	00003025	Hawk Video interview	2/5/16
00003024-000001	00003024-000004	1B4 and 1B5	2/5/16
3753-000001	3753-001803	Thumb Drive Hao Zhang	2/5/16
3813-000001	3813-000001	Google Search Warrant Response	2/5/16
3891-000001	3891-000001	Google Search Warrant Response	2/5/16
4021-000001	4021-000001	MSN Search Warrant Response	2/5/16
4102-000001	4103-000001	Hotmail Search Warrant Response	2/5/16
4179-000001	4179-000001	USC Search Warrant Response	2/5/16
4263-000001	4263-000001	Yahoo Thumb Drive	2/5/16
4320-000001	4320-000001	Yahoo Search Warrant Response	2/5/16
4399-00001	4399-00001	Yahoo Accounts	2/5/16
00011645	00011645	Hao Zhang Jail Calls	2/5/16
15547-000001	15547-000005	5.16.15 Jose Gonzales	2/5/16
HARDDRIVE-000001	HARDDRIVE-000001	Various documents	2/5/16
1023-000001	1023-000001	Wei Main Experiments Folder	2/10/16
1023-000002	1023-000002	Wei Main R&D Folder	2/10/16
1023-000003	1023-000003	Patent Documents, Possible TS Invention Disclosure, Report, Pang IEEE Publication, Pang Resignation, Time Line, UNIX File	2/10/16
1023-000004	1023-000004	Wei Pang	2/10/16
1023-000001	1023-000001	Folder Names: Wei Main Experiments Folder, Wei Main R&D Folder, Patent Documents, Possible TS	2/16/16

DECL. OF MATTHEW A. PARRELLA

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CR 15-00106 EJD

BATES- BEG	BATES- END	DESCRIPTION	DATE PRODUCED
		Invention Disclosure, Report, Pang IEEE Publication, Pang Resignation, Time Line, UNIX File, Wei Pang.	
15548-000001	15548-000001	Audio Zhang Interview	2/16/16
15548-000002	15548-000002	Evidence Chain of Custody	2/16/16
3891-000001	3891-000001	Google Search Warrant Response	2/16/16
4021-000001	4021-000001	MSN Search Warrant Response	2/16/16
00003024	00003025	Hawk Video interview	2/16/16
00011645	00011645	Hao Zhang Jail Calls	2/16/16
TRANSLATIONS-000001	TRANSLATIONS-000267	Verbatim and Final Translations of Emails and Various Documents	5/27/16
0015931	0015934	302- 5.25.16 Interview of Hongyu Yu	7/19/16
CELLPHONE-000001	CELLPHONE-000001	Cell Phone Report for Galaxy Note II	7/19/16
CELLPHONE-000002	CELLPHONE-000002	Cell Phone Data acquired at LAX re Hao Zhang	7/19/16
CELLPHONE-000001	CELLPHONE-000001	Cell Phone Report for Galaxy Note II	8/22/16
CELLPHONE-000002	CELLPHONE-000002	Cell Phone Data acquired at LAX re Hao Zhang	8/22/16

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